

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO. 122 OF 2007

INAYAT IBRAHIM MUKADAM ...PETITIONER

VS.

THE STATE OF MAHARSHTRA

AND ORS. ...RESPONDENTS.

ALONGWITH

CIVIL APPLICATION NO. 59 OF 2007

IN

P.I.L. NO. 122 OF 2007

INAYAT IBRAHIM MUKADAM ...PETITIONER.

VS.

THE STATE OF MAHARASHTRA &

ORS. ...RESPONDENTS.

AND

RAJENDRA MORE AND ORS. ...APPLICANTS.

MR. V.T.TULPULE I/B. HARSHAD BHADBHADE FOR THE

PETITIONER.

MR. R.D. RANE FOR RESPONDENT NO.1.

MR. S.M.RAILKAR FOR RESPONDENT NO. 2 & 3.

MR. OMKAR WARANGE FOR APPLICANT IN C.A.59 OF 2007.

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CORAM : J.N.Patel and A.A.Sayed, JJ.

DATE : September 5, 2007.

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P.C.

1. Heard.

2. The Petitioner has filed this Public Interest Litigation seeking a Writ of Mandamus restraining the Respondent- Chiplun Municipal Council from demolishing the Bhaji Mandai situated at Chiplun, District Ratnagiri, without making proper alternative arrangement for the vegetable vendors.

3. The learned Counsel appearing for Respondent- Chiplun Municipal Corporation has placed on record the decision of the Civil Judge, Junior Division, Chiplun, rendered in Regular Civil Suit No. 39 of 2007, in which the Vegetable Vendors and the Municipal Council, Chiplun had obtained the decree by consent and the said market is being removed by demolishing the structures, in terms of the decree.

4. We do not find any public interest is involved in the matter as the Respondent- Municipal Council is only executing the decree to which the Vegetable Vendors have consented.

5. It rather appears that the Petitioner has

filed this Public Interest Litigation to espouse the cause for the Vegetable Vendors, who have otherwise lost in the Civil Suit. We, therefore, dismiss the Public Interest Litigation with compensatory costs of Rs. 25,000/-. Costs to be paid in this Court within two weeks from the date of this Order. On failure of the Petitioner to pay the costs as directed, the Collector shall recover the same as fine by restoring to the provisions of the Maharashtra Land Revenue Code. The costs on being recovered be credited to the account of the State Government.

6. At this stage, an oral prayer for Stay of our Order dismissing the Petition is made. We reject the same.

7. In view of dismissal of the Public Interest Litigation itself, the intervention applications do not survive and the same stand disposed of accordingly.

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[J.N.Patel, J.]

[A.A.Sayed, J.]